

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

BRUCE WARREN HEMPEL, JR.,

Defendant.

Case No. CR04-406-TSZ

**PROPOSED FINDINGS OF FACT
AND DETERMINATION AS TO
ALLEGED VIOLATIONS OF
SUPERVISED RELEASE**

INTRODUCTION

I conducted a hearing on alleged violations of supervised release in this case on April 8, 2013. The defendant appeared pursuant to a warrant issued in this case. The United States was represented by Lisca Borichewski, and defendant was represented by Mike Filipovic. Also present was U.S. Probation Officer Jennifer Tien. The proceedings were digitally recorded.

SENTENCE AND PRIOR ACTION

Defendant was sentenced on December 3, 2004, by the Honorable Thomas S. Zilly for Manufacturing Methamphetamine. He received 100 months detention and 5 years detention.

Prior to his release from custody, on January 21, 2011, a modification was submitted and approved by the Court adding as a condition that Mr. Hempel reside in a Residential Reentry Center ("RRC") for up to 90 days for housing purposes only because as his release date

1 approached he did not have a proposed release address. Prior to his release he was able to
2 security a release address with his grandfather and the RRC placement was not necessary.

3 Mr. Hempel completed his term of imprisonment and commenced supervised release on
4 January 28, 2011. Immediately upon his release, Mr. Hempel absconded from supervision,
5 however he reported in to the probation before a warrant could be issued. When he met with his
6 probation officer, he admitted that he had consumed methamphetamine.

7 PRESENTLY ALLEGED VIOLATIONS

8 In a petition dated May 24, 2011, U.S. Probation Officer Brian K. Facklam alleged that
9 defendant violated the following conditions of supervised release:

- 10 1. Using methamphetamine on or before May 6, 2011, in violation of special
11 condition 3 ordering that he abstain from the use of intoxicants.
- 12 2. Failing to appear for drug testing on May 4 and May 19, 2011, in violation of
13 special condition 3.
- 14 3. Failing to notify the probation officer at least ten days prior to any change in
15 residence, in violation of standard condition 6.

16 FINDINGS FOLLOWING EVIDENTIARY HEARING

17 Defendant admitted the above violations, waived any hearing as to whether they
18 occurred, and was informed the matter would be set for a disposition hearing May 2, 2013, at
19 1:00 p.m. before District Judge Thomas S. Zilly.

20 RECOMMENDED FINDINGS AND CONCLUSIONS

21 Based upon the foregoing, I recommend the court find that defendant has violated the

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1 conditions of his supervised release as alleged above, and conduct a disposition hearing.

2 DATED this 8th day of April, 2013.

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5 BRIAN A. TSUCHIDA
6 United States Magistrate Judge
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